1890-003 Chancery Causes: W. M. G. Slemp &c vs. William Collier &c
Lee Co.

Pearson, Legg, Olinger, Creech

1 Plat

CA Contract Dispute
T-Property

To the Honorable H. S. K. Morrison Judge of the Circuit Court for Lee County Virginia:

Humbly Complaining, sheweth unto the Court, your orators W. N. G. Slemp and J. P. Barron, that Isaac Collier was in his life time seized and possessed of certain real estate lying in said County of Lee and State of Virginia. Said real estate consists of two tracts of land: One of which tracts lies in the Turkey Cove in said County, and adjoins the lands of John Collier, James H. Collier, J. M. P. Barron and others, containing 90 acres, and is the same land upon which William Collier lived at the time of said Isaac Collins death. The other tract lies on Powell's mountain near the Wild Cat in said County, being the same land upon which said Isaac Collier lived at the time of his death, Containing 242 acres more or less, and the said Isaac Collier being so thereof seized and possessed some time in the year 1889 departed this life intestate leaving William Collier, Sylvania Legg, widow of Patton Legg, nee Sylvania Collier, Margaret Olinger wife of Hasa Olinger, nee Margaret Collier, Lewis Collier and Bosthula Creech, nee Bosthula Collier children and heirs at law of Lewis Collier deceased, the latter a son of said Isaac Collier dec'd,

Jonathan Collier, Hannah Collier, Mary Collier, and Armenda Collier, his children and heirs at-law. The last four heirs are infants under the age of twenty-one years. Said decedent also leaves a widow Martha Collier surviving him.

Your Orators will now show your honor that since the death of said Isaac Collier, one James H. Collier has purchased the undivided interest of William Collier in said real estate and has a title bond for the same. that W. H. G. Slump and J. P. Borron have purchased, the undivided interests of Lewis Colliers heirs, and Margaret Olinger's undivided interests in said real estate and have deeds for the same; and that W. H. G. Slump has purchased the undivided interest of Sylvania Legg in said real estate and has a deed for the same. Copies of said deeds and title bond will be filed as exhibits if necessary with this bill.

The object of this bill therefore is to have dower assigned to Martha Collier, the widow of Isaac Collier deceased, in said real estate, and the same portioned among the parties entitled thereto.

The prayer of your orators

therefore, is that Martha Collier widow of Isaac Collier deceased, William Collier, James H. Collier, Jonathan Collier, Hannah Collier, Mary Collier, and Arminda Collier, may be parties defendants to this bill and required on their oaths to answer the same, the said adults in their own proper person, and the infants by guardian ad litem; that a proper guardian ad litem be appointed in this cause for the said last four named above, who are infants who shall answer this bill on oath; that dower be assigned the widow in said real estate and the same be divided between the parties entitled thereto; that process may issue directed etc; and that all such other, further and general relief as in the premises may be just and right may be granted.

And your orators will ever pray etc

Richmond V. Lowell
P. q.

6

W. N. G. Sleep & J. P. Barron R. & S.

vs } Bill - Partition

William Collier et al.

Widow	$27.	67
W. N. G. Sleep	10.	37 1/2
J. P. Barron	10.	37 1/2
Jas. H. Collier	6.	91 1/6
Araminta Collier	6.	91 1/6
Jonathan Collier	6.	91 1/6
Hannah Collier	6.	91 1/6
Mary Collier	6.	91 1/6
	$83.	01

1870 2nd Feby Rules Bill filed

3 Sum. Executed D. Nisi

" 1st Mr. Rules D. N. confd

" Ans & A. L. filed & cont'd

" 2 Mr. Rules Cause set for hearing by Deff.

" Mr. Decree for Partition & continued.

" Sept. Decree final

C	16. 21
S	3. 50
G. & L	5. 00
Commr	39. 50
A.	15. 00
	$79. 21
Co. 6	3. 80
	$83. 01

W. A. G. Slemp & J. P. Barron, . . Comps.
vs. { In Chancery.
Wm. Collier, et als. Defts.

The separate answer of Jonathan, Hanna, Mary and Arminda Collier, infants under the age of twenty-one years, by A. M. Goins, their guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against them and others, in the circuit court for the county of Lee, by W. A. G. Slemp and J. P. Barron.

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material they should answer, by their said guardian ad litem, answer and say:-

That they are infants of tender years, and by reason of their infancy are incapable of understanding, or of taking care of their rights and interests. They therefore, by their said guardian, commend themselves and their rights and

interests to the protection of the court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

A. M. Goins, Guardian
ad litem for -
Jonathan Collier,
Hanna Collier,
Mary Collier, and
Arminda Collier.

Sworn to before me
March 1st 1890
J. A. Hyatt

Wm. A. G. Slemp & L. P. Barton
vs. Ans. of Guardian ad litem
Wm. Collier et al.

Filed 1st March Rule
1890. J. A. Hyatt

30
14
44
5
8

20
31
51
8
64
18
37

2 142
64 32

8 | 5 5 . 3 4
6 . 9 1 8
3 4 5 7
10 . 3 7 4 4

2 142
128

24
7
31

Wm. M. G. Sleep & J. P. Barron

vs Decree.

William Collier et als

This cause came on this day to be again heard upon the papers formerly read in the cause, the report of the Commissioners appointed to partition the land in the bill and proceedings mentioned and was argued by Counsel; and it appearing to the Court that the said report has been filed the time required by law, and there being no exceptions thereto, the same is confirmed. On consideration whereof, it is adjudged ordered and decreed that the Widow ~~and~~ heirs and persons named in the decree entered in this cause April 2nd 1890 and specified in the Commissioners report, do each take and hold the parcel or parcels of land specified therein, ~~that the said report and plat therewith be entered in the order book of this Court~~ and a copy of the plat & report thereof be furnished the Clerk of the ~~Chancery~~ Court for recordation in the proper deed book in his office, that the Widow be required to pay one third of the costs, and the other persons according to their respective interests to be taxed by the Clerk, for which execution may issue, and the cause is retired from the docket.

Virginia: In the Circuit Court for the County of Fairfax

Wm. N. G. Slemp & J. P. Benn
vs. Decree
William Collins et als

Entered Chcy O. B. 2 page 285. Sept. 2nd 1890. J. H. Gossett C

2.50
.50
27 .81
3.81

Entered this
1.2.15 Mc

Sept 2/90

2.50
.50
2.70
5.70

W. N. G. Sleep & J. P. Borron
vs } In Chy.
William Collier et al.

This cause came on this day to be heard upon the bill of the plaintiffs and the answer of A. M. Goins, guordian ad litem for the infant defendants, and was argued by Counsel. And the adult defendants failing to appear and either demur, plead or answer, the bill is taken for confessed as to them. The Court being of opinion that the land in the bill is susceptible of portition amongst the parties entitled thereto, doth adjudge order and decree, that Harvey Young, C. L. Hamblen, Lafayette Wade and D. M. Cormical be and they are hereby appointed ~~at~~ Commissioners whose duty it is made to portition the lands in the bill and proceedings mentioned, consisting of ninety acres situated in the Turkey Cove and two hundred and forty two acres on Powells Mountain near the Wild Cat Valley. Said Commissioners will lay off and assign to Martha Collier widow one third of the said land in rental value, having

due regard to quantity, quality, timber, water, and ways, and if it can be done without detriment to the other interests, the Commissioners will assign dower to said widow in the Tinsley Cove tract; one eighth of said land to Jonathan Collier, one eighth to Hannah Collier, one eighth to Mary Collier, one eighth to Amanda Collier, whose shares are directed to be laid off adjoining the widows dower, if the same can be done without prejudice to other interests; to James H. Collier one eighth thereof adjoining the lands upon which he now lives; one eighth to W.A.G. Slemp; and two eighths to W.A.G. Slemp and J.P. Bowen the last three mentioned shares to be laid off and assigned out of the 242 acre tract if the same can be done without prejudice to the other interests. The said Commissioners will make plats and reports giving metes and bounds of the several shares assigned under this decree, They will report this action to a future term of this court and the cause is continued.

W. H. G. Sleep & Ad. Bonn.

vs } Decree Not.

William Collier et al.

March 7, 1890

Entered Chancery

O.B. 261 & 2

Apr. 2, 1890

J. A. G. Hyatt

Clerk

Enter this.

H. S. K. M.

April 2d 1890.

Virginia

At a circuit Court Continued and held for Lee County at the Court house thereof April 2nd 1890.

Wm. N. G. Slemp & J. P. Barron Pltffs.
against
William Collier et al Deftts

Dulhey

The Court being of opinion, that the land in the bill is susceptible of partition amongst the parties entitled thereto doth adjudge order and decree that Harvey Young[1] M. L. Hamblen[2], Lafayett Wade[3] and L. M. Carmical[4] be and they are hereby appointed Commissioners whose duty it is made to partition the Lands in the bill and proceedings mentioned, Consisting of ninety (90) acres situated in Turkey Cove and Two hundred & forty two (242) acres on Powells mountain near Wild Cat Valley.

Said Commissioners will lay off and assign to Martha Collier widow one third of the said land in rental value, having due regard to quantity, quality, timber, water and ways, and if it can be done without detriment to the other interests, the Court

will assign dower to said widow in the Turkey Cove tract: One Eighth of said land to Jonathan Collier, one eighth to Hanna Collier, One eighth to Mary Collier One eighth to Amanda Collier, whose shares are directed to be laid off adjoining the widows dower, if the same can be done without prejudice to other interests.

To James H. Collier one Eighth thereof adjoining the lands upon which he now lives, One eighth to Wm. N. G. Sleup, and two eighths to W. N. G. Sleup and J. P. Barron, the last three mentioned shares to be laid off and assigned out of the 242 acre tract if the same can be done, without prejudice to the other interest. The said Comr's will make plats and reports giving meets and bounds of the several shares assigned under this decree. They will report their action to a future term of this court and the cause is Continued.

4 Copies

A Copy
Teste J. A. G. Hyatt C.

Wm. N. G. Sleup
vs
Williams Collier et al

Handed Copies of this to the parties
J. A. G. Hyatt C.

Fee for Copies $2.60

Wm N. G. Slemp & G. P. Barron
vs
Wm Collier & others } In Chy

Pursuant to an order of the Circuit Court of Lee Co Va dated 2nd day of April 1890 - We the undersigned Commissioners have partitioned the lands of J Collier decaed according to the following Plat & Report We find the lands to consist of two seperate tracts - one composed of 23 acres on Powells Mountain near the Wild Cat Valley & the other consisting of 108 acres situated in the Turkey Cove - With due regard to quantity quality and convenience and agreeable to said order We have assigned to Martha Collier Widow of said J. Collier dower, out of the lands in Turkey Cove and bounded as follows
Beginning at (A) a ledge of rocks in a lane, the south west corner of the original tract, thence S 41 3/4 E 90 36/100 poles to (B) a small ash & buckeye near the head of a spring said line passing through said spring including half the water S 51 E 78 poles to (C) a small black walnut

N 23½ E 71 poles (D) a stake on J.H. Collins land & with line of same N 23½ W 39.$\frac{80}{100}$ poles to (E) a stake N 68 W 62 poles to (F) a stake in a lane and on the north original line & with same N 19 W 36 poles to (G) a pile of rocks where stood the original ash Corner S 46 W 14.$\frac{16}{100}$ poles to the beginning containing 41½ acres more or less & represented on Plat No 2 Lot No 1

Dower is further composed of Lot No 2 containing 5 acres and bounded as follows

Beginning at (Q) the S. W. Corner of original tract, a chestnut-oak on top of Wallers ridge thence with west line of original tract N 51 W 31.$\frac{60}{100}$ poles to (S) a small black walnut at the south end of a fence thence N 46¼ E 23 poles to a (T) a stake on line of Lot No 4 & with said line S 51 E 36 poles to (O) a stake on top of said ridge and with the same

We have laid off and assigned to Armina Collier Lot No. 3 bounded as follows) Beginning at (C) a small walnut corner to ~~#~~ No. 1 dower lands, thence with a line of same N 23¼ E 25 poles to (P) a stake S 51 E 93.40 poles to (T) corner to dower lands Lot No 2 and with a line of same S 46¼ W 23 poles to (S) a small walnut an original West line and with the same N 51 W 83 40/100 poles to (C) the beginning containing 14 acres more or less & Equal in value to ⅛ the Whole

We have laid off and assigned to Mary Collier Lot No. 4 equal in value to ⅛ of the whole - and bounded as follows to wit, Beginning at (P) a stake on dower line (and corner to Lot No 3) thence with said line N 23¼ E 23½ poles to (M) a stake S 51 E 127 poles to (M) a stake on top of Walters ridge & with the top of same S 15 W 22 poles S 23½ W 3 poles to (O) a stake, corner to dower Lot No 2 and with line of No 2 & 3 N 51 W 129 40/100 poles to (P) the beginning containing 18 A more or less

We have laid off and assigned to Hannah Collier Lot No 5 bounded as follows Beginning at (M) a stake corner to Lot No 4 thence with dower line N 23½ E 11½ poles to (L) a stake S 5 1 E 126 poles to a stake on top of Wallens ridge (K) Thence with top of same S 15 W poles to (N) a stake Corner to Lot No 4 and with the same N 51 W 22 poles to (M) the beginning. Containing 8 acres by we believe equal in value to ⅞ of the whole

We have laid off and assigned to Jonathan Collier Lot No 6 containing 10 Acres more or less & we believe equal in value to ⅛ of the whole Bounded as follows to wit Beginning at (L) a stake Corner to Lot No 5, thence with line of Dower N 23½ E 11 poles S 33½ E 4 poles with J. H. Collier's lines to a stake S 50½ E 38 poles to an Elm thence continuing with said J. H. Collier's lines S 57¾ E 16½ poles to a stake S 65¾ E 66 poles to (I) a chestnut oak on top of Wallens ridge and S. E Corner to assigned tract. thence with top of said ridge S 12¼ W 6 poles S 35¼ W 21½ poles to a stake

(Partition of I. Collier land)

S 15 W 2 poles to (K) Corner to Lot No 5 and with line of same N 51 W 126 poles to (L) the first station

Now it is distinctly understood that at the death of the Widow Martha Collier, all the dower lands go to the owners of Lots No. 3, 4, 5 and 6, and without this provision the four lots would not be equal in value to one half the whole

We have laid off and assigned to Jas. H. Collier Lot No 2 which we believe equal in value to 1/8 the whole when forever debared from any interest in the Dower lands and bounded as follows Beginning at (H) a stake in a lane the North East corner of original tract thence with said lane S 19 W 52 poles to (F) a stake thence with dower line S 68 E 62 poles to a stake on said Colliers land & with lines of same N 23½ W 56 poles N 39¾ W 26 80/100 poles to (H) the beginning containing 11½ acres more or less.

We have assigned to Wm. N. G. Slemp 2/3 and the remaining 1/3 of the Powell Mountain lands to J. P. Barron - as we believe the whole mountain tract deboned from interest in dower to be equal in value to 3/8 of the entire lands. Said lands as assigned to said Wm. N. G. Slemp & J. P. Barron is bounded as follows Beginning at (1) 4 lynns on the side of Powells mountain (Trees are now gone) thence S 25 3/4 E 102 poles to (2) a buckeye & lynn in a dry branch thence up said branch N 87 1/2 E 29 40/100 poles N 76 3/4 E 31 36/100 poles S 84 1/4 E 38 poles to a chestnut and lynn just above a water-fall S 45° 10 W 355 poles to two locusts between two cliffs N 30 W 100 poles to a sugartree N 29° 52' 300 poles to (1) the beginning Represented by Plat No 1 and containing 231 acres more or less

Respect. submitted this the 11th day of August 1890

C. L. Hamblin
Lafayette Wade } Com.
L. M. Carmical

Bill of Cost

L. M. Cornical	Sur & Plat &c		22.00
James Collier	Chain Carrier	3½ days	3.50
Wm. N. G. Slemp	"	3½	3.50
Wm Collier		2½	2.50
Lafayette Wade	Corr.	2 "	4.00
R. L. Hamblin		2 "	4.00
		Total	39.50

Virginia Lee county to wit:-

On the office of the Clerk of the said County the 27th day of September 1890. The foregoing Report, Plat and decrees were this day filed in this office and admitted to record.

Teste John R. Gibson Clk.

W. N. G. Blanchet et al

vs. } Report of Partition

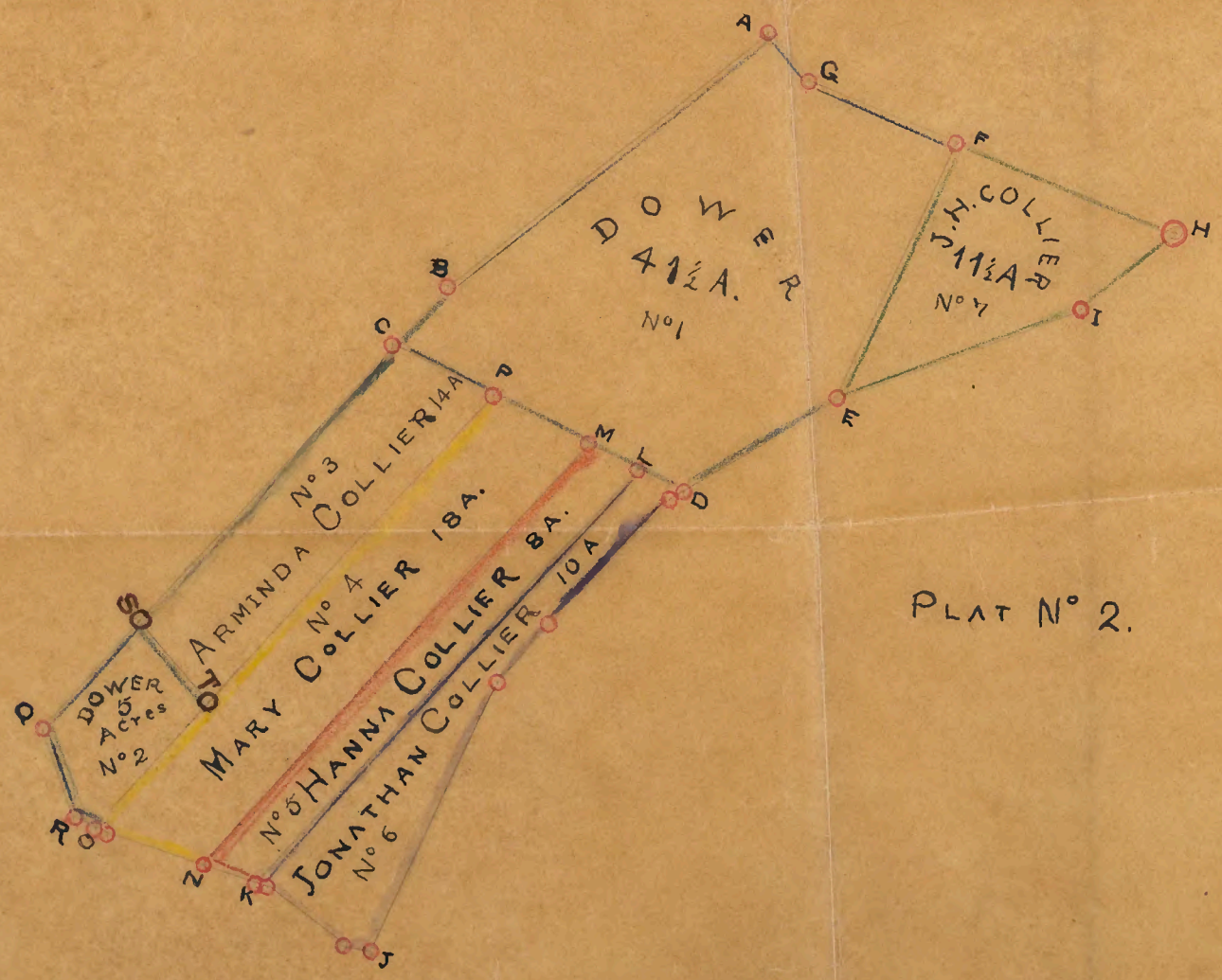
Wm Callin

Filed Aug. 16 1890
J. A. G. Hyatt C

Recorded Deed Book
25 P. 514 &c
J. R. Gilon Clk.

Compute $39.50

PLAT Nº 1.



PLAT Nº 2.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon Martha Collier Widow of Isaac Collier deceased William Collier, James H. Collier, Jonathan Collier, Hannah Collier, Mary Collier and Armindo Collier

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the ~~first~~ third Monday in February 1890 next, being rule day to answer a bill in Chancery exhibited in our said Court against Heirs by W. N. G. Slemp and J. P. Barron

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This 11th day of Febry 1890, in the 114 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(R. 88)

W. N. G. Sleight et al

vs

Shain Chey

Martha Collier et al

To 2nd Feby Rules 1890

Executed by serving a copy of the within on the parties February the 17th 1890 P. M. Redzor Dept for A. B. Muncy S. L. C

Executed by delivering at the office copies to Martha Collier and one to William Collier one to James H. Collier one to Johnathan Collier and one to Wanna Collier Mary Collier Ammanda Collier February the 17th 1890 P. M. Rozzo Dept for A. B. Muncy S. L. C

Clerks fee $1.42

Sheriff fee $3.50